



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MPR/RCH/ER/PP
F. #2019R00927

271 Cadman Plaza East
Brooklyn, New York 11201

April 15, 2021

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Genaro Garcia Luna
Criminal Docket No. 19-576 (BMC)

Dear Judge Cogan:

The parties respectfully submit this written status update to the Court in the above-captioned matter. The parties respectfully request that the Court adjourn the upcoming status conference scheduled for April 19, 2021 for 60 days. The parties agree that an order of excludable delay is appropriate based on the Court's previous complex case designation in this matter and Administrative Orders 2021-4-1 and 2020-26 (excluding time in all criminal jury trials until April 30, 2021, in light of the ongoing COVID-19 pandemic).

In addition, the parties respectfully write to update the Court on the following issues:

- Discovery
 - The government continues the process of collecting and reviewing discovery for production to the defendant on a rolling basis. Following the parties' last status letter on February 11, 2021, the government made an additional discovery production on March 1, 2021, totaling more than 32,000 pages of documents, as well as a hard drive of recordings of the defendant. See Dkt. No. 61.
 - The government also is awaiting responses from outstanding subpoenas. In addition, the government has submitted MLAT requests for foreign evidence. Although the government has received some responsive information, it is awaiting additional MLAT responses.

- To date, the government has produced more than 1 million pages of documents and voluminous intercepted and recorded communications. The government has produced the majority of the discoverable material in its possession. It expects to make smaller productions on a rolling basis as it receives additional discoverable materials and/or identifies such material in its possession. It expects to make its next production in the coming weeks.
- Trial Preparation
 - The parties continue to face delays in preparing for trial in this case, in light of the pandemic, including limitations on the government's ability to meet with incarcerated witnesses and limitations on defense counsel's ability to meet with the defendant.
- CIPA
 - The government is continuing its review of materials needed to complete litigation in this matter pursuant to the Classified Information Procedures Act, 18 U.S.C. App. 3, §§ 1-16 ("CIPA"). The government expects that the necessary steps to complete CIPA litigation will take several more months. The government will file its motion for a pretrial conference pursuant to Section 2 of CIPA, once it has a better sense of the anticipated schedule for completing CIPA litigation.

Respectfully submitted,

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cc: Cesar de Castro, Esq.
Clerk of the Court (BMC) (by ECF)